

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

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SONY MUSIC ENTERTAINMENT, *et al.*,

*Plaintiffs,*

v.

COX COMMUNICATIONS, INC., *et al.*,

*Defendants.*

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Case No. 1:18-cv-00950-LO-JFA

**DEFENDANTS' MOTION TO COMPEL**

Pursuant to Fed. R. Civ. P. 37 and E.D. Va. Local Rule 37, Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") respectfully move this Court to compel production in response to Cox's requested discovery from Plaintiffs as follows (the "Motion"):

1. Financial information regarding Plaintiffs' revenue and profits related to the works-in-suit in response to Cox's First Set of Requests for Production ("RFP") Nos. 27-29, 36, 41, 43-44, Cox Communication, Inc.'s First Set of Interrogatories, Interrogatory Nos. 2-3, and as set forth in more detail in the concurrently-filed Defendants' Memorandum of Law in Support of their Motion to Compel ("Memorandum").
2. Documents concerning the ownership and validity of Plaintiffs' copyrights, including ownership agreements, challenges to ownership or validity, and work-for-hire agreements in response to Cox's RFP Nos. 10, 13-16, 21-22 and as set forth in more detail in the concurrently-filed Memorandum.
3. Documents concerning Cox and documents concerning Plaintiffs' attempts to contact Cox's subscribers concerning allegations of Copyright Infringement in response to Cox's RFP Nos. 64-65, 128-129, 134-135 and as set forth in more detail in the concurrently-filed Memorandum.

4. Documents concerning the Copyright Alert System and the actions of other ISPs in response to Plaintiffs' RFP Nos. 118, 126-127, 130-131, 165-174, Interrogatory No. 8, and as set forth in more detail in the concurrently-filed Memorandum.
5. Documents concerning MarkMonitor and communications with MarkMonitor in response to Cox's RFP Nos. 136, 139, 141, 144-148, 156, 162-163 and as set forth in more detail in the concurrently-filed Memorandum.
6. Documents concerning the RIAA in response to Cox's RFP Nos. 153-155, 158, 162 and as set forth in more detail in the concurrently-filed Memorandum.
7. Documents concerning the effect on Plaintiffs from the use of peer-to-peer networks, including from copyright infringement and legitimate uses, in response to Cox's RFP Nos. 50-58 and as set forth in more detail in the concurrently-filed Memorandum.

Cox states the specific grounds for their Motion in its accompanying Memorandum and the Declaration of Jennifer A. Golinveaux and the exhibits attached thereto.

#### **LOCAL RULE 37(E) MEET AND CONFER STATEMENT**

On December 7, 2018, Counsel for Cox sent a letter to counsel for Plaintiffs regarding Plaintiffs' procedurally improper objections to Cox's outstanding discovery requests. The parties then met and conferred regarding Cox's anticipated Motion on December 12 and 14, 2018.

Following the receipt of Plaintiffs' responses to Cox's outstanding discovery requests on December 19, 2018, counsel for Cox sent additional letters to counsel for Plaintiffs on December 26, 2018 and January 4, 2019. The parties had an additional meet and confer on January 7, 2019.

On January 11, 2019, Plaintiffs served Supplemental Responses to certain of Cox's RFPs. On January 15, 2019, Cox sent a letter to Plaintiffs in response to their Supplemental Responses, seeking to confirm Plaintiffs' positions. On January 17, 2019, counsel for Plaintiffs informed

counsel for Cox that it was “considering the issues raised” in Cox’s January 15, 2019 letter and would “respond in due course.”

The parties were able to resolve some issues during these discussions and many remain under consideration. The parties were not able to come to resolution on Cox’s outstanding requests that are the subject of the Motion.

Dated: January 18, 2019

Respectfully submitted,

/s/ Thomas M. Buchanan /

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**CERTIFICATE OF SERVICE**

I certify that on January 18, 2019, a copy of the foregoing DEFENDANTS' MOTION TO COMPEL was filed electronically with the Clerk of Court using the ECF system which will send notifications to ECF participants.

/s/ Thomas M. Buchanan /

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